

MAY 25 2007

PATENT
Docket No. GC797-2
U.S. Patent Appl. No. 10/549,603

☐ Urgent
☐ Confidential
☒ Action Required
☐ Reply Requested
☐ For Your Info.

FAX COVER SHEET

TO: Art Unit 1652
US PATENT AND TRADEMARK OFFICE

LOCATION: Alexandria, VA

Fax No.: 571-273-0140

FROM: Aida Martin for Victoria L. Boyd

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DATE: May 25, 2007

NUMBER OF PAGES TO FOLLOW: 5 SENT BY: am

Re: U.S. Patent Application Serial No. 10/549,603
Attorney Docket No. GC797-2-US

Attached: Transmittal (1 page) in duplicate and a response to the Restriction Requirement (3 pages).

The original of this facsimile will be sent to you via:

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MAY 25 2007

CERTIFICATION BY FACSIMILE

I hereby certify that this correspondence is being sent by facsimile transmission in accordance with § 1.6(d) addressed to Art Unit 1652, Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 to Facsimile No. (571) 273-8300 on the date indicated below.

Date: May 25, 2007

By: 
Aida Martin**PATENT**
Docket No. GC 797-2-US**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No.: 10/549,603

Confirmation No. 6075

Applicant: Jones et al.
Filed: August 21, 2006
Art Unit: 1652
Examiner: Chowdhury, Iqbal Hossain
Docket No.: GC797-2-US
Customer No.: 5100

TRANSMITTAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

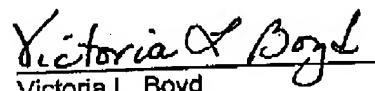
In response to the Restriction Requirement dated May 2, 2007, enclosed is the following document:

1. Response to Restriction Requirement Mailed May 25, 2007 (3 pages).

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required, or credit any overpayment to Deposit Account No. 07-1048, referencing Attorney Docket No. GC797-2-US. A duplicate of this paper is enclosed.

Respectfully submitted,

Dated: May 25, 2007


Victoria L. Boyd
Reg. No. 43,510

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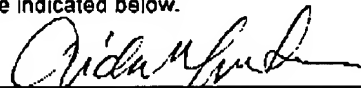
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PATENT
Docket No. GC 797-2-US

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Alexandria VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This communication is in response to the Restriction Requirement mailed May 2, 2007 in the above-identified patent application where the Examiner has required restriction among the following groups:

Group I, Claims 1-14, 17-20 and 22, drawn to an isolated polynucleotide encoding a polypeptide mHKC_{el} cellulase, host cell and process for producing polypeptide;

Group II, Claim 22, drawn to a recombinant host cell comprising a deletion or insertion of other alternation in said mHKC_{el} gene.

Group III, Claims 15-16, 21, 25-28, and 29, drawn to isolated polypeptide mhk_{cel} cellulase, detergent composition and feed additive.

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Group IV, Claims 3, 23-24, drawn to an antisense oligonucleotide complementary to a messenger RNA that encoded and mhccl cellulase;

Group V, Claim 30, drawn to a method of treating wood pulp.

Group VI, Claims 31-32, drawn to a method of converting a biomass to sugar.

Group VII, Claim 33, drawn to a method of producing ethanol.

Group VIII, Claim 34, drawn to a method of identifying novel enzymes.

Applicants hereby elect, with traverse, the invention in Group 3, Claims 15-16, 21, 25-28, and 29, drawn to isolated polypeptide mhccl cellulose, detergent composition and feed additive.

Applicants traverse this restriction requirement and believe that a search and examination of the entire application (or Groups 1 and 3) can be made without serious burden to the Examiner, see MPEP sections 803 and 808.

The basis for traverse is that there would not be a serious burden on the examiner if restriction between Groups 1 and 3. Group 3 relates to a polypeptide, while Group 1 relates to an isolated nucleotide sequence, vectors comprising said nucleic acid construct, recombinant host cells comprising said nucleic acid construct and a process for producing the polypeptide. These two groups are related because the isolated polypeptide is a result of the process for producing the polypeptide utilizing an isolated nucleotide sequence encoding the polypeptide, vectors comprising said nucleic acid construct, and recombinant host cells comprising said nucleic acid construct.

Rejoining process claims under *In re Ochiai*

Applicants thank the Examiner for noting that after the elected product claims have been found allowable, all withdrawn process (method) claims which depend from or otherwise include all of the limitations of the allowed product claims should be rejoined. MPEP §821.04; page800-63, 8th Edition, August 2001; *In re Ochiai*, 37 USPQ2d 1127 (Fed. Cir. 1995); *In re Brouwer*, 37 USPQ2d 1663 (Fed Cir 1995); 1184 OG 86, 3/26/96.

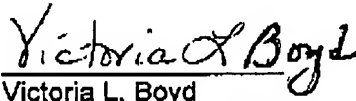
Applicants note that Groups encompassing withdrawn process (method) claims which depend from or otherwise include all of the limitations of the allowed product claims include 1-14, 17-20, and 22.

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Applicants reserve the right to file subsequent applications claiming the non-elected subject matter and do not waive any of their rights or abandon any non-elected subject matter. Applicants have fully and completely responded to the Office Action and have made the required election. This application is now in order for early action.

Respectfully submitted,

Date: May 25, 2007


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